

CHAPTER NO. 771

SENATE BILL NO. 2726

By Person, McNally, Herron

Substituted for: House Bill No. 3203

By McMillan, Odom, Sherry Jones

AN ACT To amend Tennessee Code Annotated, Title 63, Chapter 5, Part 1, relative to the practice of dentistry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-5-107(c)(1), is amended by deleting the punctuation "." at the end of the first sentence of the subdivision and by adding the following:

; provided, however, that commencing January 1, 2003, in lieu of the annual continuing education requirement, each person licensed as a dentist or dental hygienist in accordance with this chapter is required to attend and complete during each two-year cycle (except for the two-year cycle of initial licensure) such number of hours of board-approved continuing education courses as are prescribed by the board, subject to a minimum of thirty (30) and a maximum of sixty (60) clock hours.

SECTION 2. Tennessee Code Annotated, Section 63-5-108(c), is amended by inserting the following between the third and fourth sentences of the subsection:

The board is authorized to permit licensed and registered dental hygienists and registered dental assistants to insert, pack, carve and finish amalgam and intracoronal nonmetallic restorations and take final impressions for fixed and removable prosthetic appliances, under the direct supervision and full responsibility of a licensed dentist, and the board shall establish such criteria and curricula as it determines in its discretion are necessary or appropriate to ensure that such hygienists and assistants are qualified to perform such procedures.

SECTION 3. Tennessee Code Annotated, Section 63-5-108(c), is further amended in subdivision (2) by inserting the words and punctuation "except hereinabove provided" between the words "on teeth" and the punctuation ";".

SECTION 4. Tennessee Code Annotated, Section 63-5-108(f), is amended by adding the following at the end of the subsection:

Any dental facility in which general anesthesia, deep sedation or conscious sedation is administered by such dentist is subject to standards as may be specified in rules and regulations of the board.

SECTION 5. Tennessee Code Annotated, Section 63-5-109(8), is amended by deleting the punctuation and word "; provided," and by substituting instead the following:

, a licensed and registered dental hygienist under the direct supervision of a licensed and registered dentist or a registered dental assistant under the direct supervision of a licensed and registered dentist; provided,

SECTION 6. Tennessee Code Annotated, Section 63-5-109, is further amended by deleting the word "or" at the end of subdivision (11); by deleting the period at the end of subdivision (12) and substituting instead a semicolon and the word "or"; and by adding the following language as a new subdivision to be designated as follows:

(13) Dentists or dental hygienists duly licensed in other states practicing within authorized Tennessee Department of Health programs, or programs affiliated with the Tennessee Department of Health for a period not to exceed twenty-four (24) months.

SECTION 7. Tennessee Code Annotated, Section 63-5-110, is amended by adding the following as new subsections (b) and (e) and redesignating existing subsections (b) and (c) as subsections (c) and (d):

(b) The board is authorized to cause a license to be issued to an applicant of good moral character and professional competence who is licensed to practice dentistry in another state (which shall include the District of Columbia or a territory of the United States) if the board determines to its satisfaction that the applicant meets all of the following requirements:

(1) Currently holds a valid license to practice dentistry in another state and provides a copy of such license, and also provides the name of another state in which the applicant is or has been licensed;

(2) Absence of any pending disciplinary charges or action in another state or any current investigation by a disciplinary authority or another state, and provides pertinent information about any disciplinary action imposed against the applicant in any other state, which the board is to evaluate and determine whether such is disqualifying for licensure in this state;

(3) Has not failed previously an examination for licensure to practice dentistry in Tennessee;

(4) Graduation from a dental school or college duly accredited by the American Dental Association Commission on Dental Education;

(5) Demonstrates intent to actively practice or teach in Tennessee;

(6) Has, pursuant to the authority of a state dental licensing board(s):

(A) Practiced dentistry in another state or states for at least five (5) years; or

(B) Taught in an American Dental Association accredited institution for at least five (5) years; or

(C) Any combination of (A) or (B) for at least five (5) years; or

(D) Practiced dentistry for at least two (2) years in another state or states and, in addition, presents satisfactory evidence of passing an examination administered by another state substantially equivalent to the examination required for initial licensure in Tennessee, the appropriateness of such examinations to be evaluated and determined by the board; or

(E) Taught for at least two (2) years in an American Dental Association accredited institution, and, in addition, presents satisfactory evidence of passing an examination administered by a regional testing agency or a clinical board examination administered by another state substantially equivalent to the examination required for initial licensure in Tennessee, the appropriateness of such examination to be evaluated and determined by the board; or

(F) Any combination of (D) or (E) for at least two (2) years; and

(7) Payment of a non-refundable application fee as set by the board.

(e) The board is authorized, in its discretion, to issue a limited license for the practice of dentistry in American Dental Association accredited institutions or dental education programs or in federally-designated health professional shortage areas, if the applicant meets the following requirements:

(1) Is a graduate of a school of dentistry with a degree substantially equivalent to either a D.D.S. or D.M.D. degree;

(2) Has successfully completed a graduate training program in a recognized specialty branch of dentistry from an advanced specialty program accredited by the American Dental Association;

(3) Has successfully completed the National Board examinations;

(4) Payment of non-refundable fee, as set by the board;

(5) Provides satisfactory evidence of good moral character and professional competency;

(6) Provides proof of naturalization or ability to live and work in the United States; and

(7) Meets other requirements as set by the board.

SECTION 8. Tennessee Code Annotated, Section 63-5-111(a)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(a)(2) The board shall recognize a certificate granted by the American Dental Association's Commission on National Board Dental Examinations and may accept the results of its own board examination or the results of an examination conducted by one (1) or more of the regional testing agencies.

SECTION 9. Tennessee Code Annotated, Section 63-5-121, is amended by redesignating the existing language as subsection (a) and by deleting the language and punctuation ", hospital or any health maintenance organization," and by substituting instead the language and punctuation "or hospital,".

SECTION 10. Tennessee Code Annotated, Section 63-5-121, is further amended by adding the following new subsection (b):

(b) In the event that a dentist is deceased or becomes substantially disabled, the estate or agent of such dentist may employ other dentist(s) for a period of not more than two (2) years to provide services to patients until the practice can be sold or otherwise disposed of or closed.

SECTION 11. Tennessee Code Annotated, Section 63-5-123, is amended by deleting the section in its entirety and by substituting instead the following:

Section 63-5-123. (a) All sole proprietor dentists (dentists who conduct a practice and who do not have a partner or replacement), dentists serving in the National Guard and dentists employed as professors or teachers by any college, school or institution of higher learning shall be exempt from service as jurors in any of the courts.

(b) Dentists other than sole proprietors shall only be exempt from the initial summons to jury duty service by any of the courts if, upon receipt of such summons, dentists notify the clerk of the court issuing the summons, informing the clerk of a seven-day period such dentist will be available to serve as a juror, within the next 12-month period from the date of the summons. Such dentist shall only be required to serve on one (1) jury during the seven-day period.


SECTION 12. Tennessee Code Annotated, Section 63-5-124(b), is amended by adding the following at the end of the subsection:

The board may, upon finding of probable cause, require a dentist, dental hygienist or dental assistant to complete drug and/or alcohol treatment through a program designated by, or contracting with, the board. The board in its discretion is authorized to share information, interviews, reports, statements, memoranda or other data at the program director's request. Information shared between the board and the program director shall be deemed not to violate laws requiring confidentiality of investigations or peer review records protected under §63-5-131.


SECTION 13. This act shall take effect immediately, the public welfare requiring it.

PASSED: May 15, 2002


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 22nd day of May 2002


DON SUNDQUIST, GOVERNOR